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MEMO FOR THE RECORD

General Counsel

[] - Testimony before Senate Judiciary Subcommittee

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1. [] now [] was notified in the [] that he would be called to testify before a subcommittee of the Senate Committee on the Judiciary which has been investigating the administration of the Internal Security Act and other internal security laws, with particular reference to the Institute of Pacific Relations and Communist affiliations therein. He was further notified that he would be asked to testify in connection with a conversation while he was employed by OPC/CIA with [] of the State Department Policy Planning Staff concerning a proposal by [] that OPC utilize the services of certain persons knowledgeable in Far Eastern affairs but who have been charged with Communist affiliations or sympathies. [] has been one of the prime targets in the Subcommittee's charges that State Department policies were influenced by Communist officers of the State Department or by officers with Communist leanings.

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2. At the time [] was first notified, he immediately notified CIA because of the security implications, both of the actual conversation with [] and also of his continued relationship

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[] implications and due to the imminence of an OPC publishing operation, agreed not to call [] at that time. He further agreed to notify CIA in advance of recalling him.

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3. On Wednesday, [], [] notified CIA that he had been served a subpoena by Mr. Robert Morris, Special Counsel to the Subcommittee, to appear to testify on [] on the subject set forth above. The CIA Legislative Counsel immediately called Mr. J. G. Sourwine, Counsel to the full Subcommittee, to remind him of the security implications and requesting that only the Subcommittee and counsel be present at any hearing. The subpoena stated that the testimony requested was to be given at an Executive session.

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4. Due to the involvement of [] who is now a Foreign Service Officer [] the State Department was notified, and on the morning of Thursday, 14 February, Mr. Carlisle Humelsine, Deputy Under Secretary of State-Administration, called on Mr. Frank Wisner, Deputy Director for Plans, CIA. Mr. Wisner requested me to attend the conference.

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25X1A 5. It was explained to Mr. Humelsine that the Subcommittee was in actual possession of a copy of a report made by [] to the Federal Bureau of Investigation, at the request of the latter's agents, and consequently was in possession of the information on which they wished [] to testify. CIA had notified the FBI of the incident as a result of internal memoranda for the record prepared by [] on his conversation with [] CIA had made no official written report to the FBI; consequently the paper in possession of the Subcommittee was the only official report of the matter but it was substantially in conformance with the internal reports and records of CIA. Mr. Humelsine indicated that the Department of State felt it was extremely unfortunate to have this matter raised by the Subcommittee and that it would be preferable if [] could be instructed not to testify. 25X1A STATOTHR

25X1A 6. Mr. Humelsine talked to Mr. Adrian Fisher, Legal Advisor to the Department of State, by telephone and reported that Mr. Fisher recommended having the President instruct [] that he could not testify as to any information in his possession on this matter in the interests of national security. It was pointed out to Mr. Humelsine that this raised two questions: first, whether Mr. [] would be completely protected from citation for contempt by the Subcommittee by such an order and, secondly, whether politically such a prohibition would not have an adverse effect as indicating that the administration was attempting to suppress information already in the hands of the committee. It was agreed that due to the political aspects and to Mr. Fisher's recommendation, the matter should be discussed with Mr. Charles Murphy, Legal Advisor to the President. 25X1A

K1 7. Mr. Wisner, Mr. Humelsine and I went to see Mr. Murphy at [] and on the way Mr. Humelsine repeated that Mr. Fisher felt an executive directive to [] not to testify would be advisable. The matter was outlined by Mr. Humelsine to Mr. Murphy, who stated his opinion that there should be no such Presidential action and that [] should appear under the subpoena. He further agreed that there should be no general instruction from the Director of Central Intelligence to [] not to testify. It was thereupon agreed that [] should appear in Executive session and should testify on those facts of which he had personal knowledge and which were directly related to the memorandum of conversation with []. It was further agreed that he should not and need not testify on other facts and circumstances involving security of intelligence or operations and should point out to the committee that any such testimony would be a violation of the oath of secrecy taken when he entered upon duty with CIA and when he left the Agency. Thereupon [] was briefed by Mr. Wisner and myself. 25X1A 25X1 25X1A 25X1A STATOTHR

25X1A on these conclusions and had, meanwhile, been cross-examined by [] Inspector General, CIA, with the view to determining whether he could hold the line of demarkation between permissible testimony and matters which should not be given to the committee.

25X1A 8. [] thereupon appeared before the Subcommittee in Executive session on the morning [] and at noon time reported the results of the session and the fact that he had been called to testify to the same effect in an open session that afternoon. He stated that the security aspects of his present relationships with the Agency had been respected, but that the Committee was in possession of the name of the other witness to the conversation with [] which witness is now under deep cover.

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9. With the approval of Mr. Wisner and [], I got in touch with Mr. Robert Morris, Counsel for the Subcommittee, and asked to see him before the open session. I took Mr. Pforzheimer with me and together we explained to Mr. Morris the security aspects of the situation. We specifically dwelt on the necessity for keeping the name of the other witness from publication. With Mr. Morris, we then talked to Mr. Sourwine, Counsel for the full Committee, and repeated our doubts as to security. Senator Ferguson then appeared and said that in so far as the conversation between [] and [] was concerned, he, as a lawyer and former judge, could see no security question. He did, however, agree to keep the name of the other witness out of the open session. Mr. Pforzheimer and I attended the session and while the conversation between [] and [] was brought fully into the record, together with the identification of CIA and OPC, the name of the other witness to the conversation was not disclosed. After the session [] refused to talk to the press and left immediately for New York.

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